



{In Archive} Fw: Trading jobs for mayflies

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No doubt you all have either seen this ..... or have certainly heard similar comments at meetings of your own with industry reps....

One can only hope you and your higher ups can hang tough in the face of such absurd, and extreme mis-statements about all this being "theoretical"..... and about mayflies v jobs.... etc.

For thirty years i've heard and attempted to address the falacies put forth by the likes of Gene Kitts and supported by state politicians. .... But, as citizens we are somewhat limited as to how much we can push and prod on any level, be it administrative, legislative, legal, public media, etc.....

I fully realize how difficult it must be for EPA to counter the same on a national level. However, EPA has the legal mandate to uphold the science behind the law and the responsibility to assure that the reality of the severe, irreversible damage being done by mountaintop removal and valley fill mining to the environment ( - including the communities of people who are part of and dependent on that environment), be acknowledged and eliminated [not just minimized].

Cindy

### Trading jobs for mayflies

Coal group criticizes EPA's reasoning for withholding permits

by JULIA ROBERTS GOAD Staff Writer

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Members of the International Coal Group spoke at the Regional Economic Forum in Logan this week, claiming the Environmental Protection Agency based its delaying of surface mine permits on the absence of the Mayfly in a stream, rather than contamination levels.

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LOGAN – Jobs vs. mayflies. That is what new challenges by the Environmental Agency to coal mining permits amount to, according to International Coal Group Senior Vice President Gene Kitts.

Kitts spoke at the Regional Economic Forum held at Logan Wednesday.

The meeting brought together 400 people, including local industry, business and political leaders, to address what they feel are unreasonable attacks on coal mining from the EPA.

"We are facing many challenges," Kitts said. "Our opponent is the EPA. The EPA is launching attacks on coal mining."

In 2008, West Virginia, Kentucky and Virginia produced 131 million tons of coal through surface mining. That is 11 percent of total coal production in the country. In West Virginia alone, 69 million tons were produced using surface mining methods, employing 6,164 workers at the mine sites. The severance tax collected amounted to \$172 million.

In Logan, Mingo and Boone counties 38 million tons of coal were mined at surface mine sites in 2008. Kitts said that equals about 4,000 jobs.

The EPA objected to two different permits, stating "mining would likely cause water quality problems in streams below the mines and would cause significant degradation to streams" Kitts said the EPA was approaching these permits on a **theoretical basis**.

"West Virginia has, as of 2010, been mining coal on a commercial basis for 200 years," Kitts said. "While we have made mistakes, we have learned a lot. The people in this agency had been in office 63 days when they made this ruling. To say that they are concerned about impacts that we have been watching and minimizing for 200 years is a bit extreme."

The concept of trading jobs for mayflies may seem overly simplified on the surface, Kitts said. He told those attending the conference there are over 2,000 species of mayflies, and the insects are not endangered.

"The report is not saying we are killing streams," Kitts said. "It just says a population shift is occurring — the most sensitive mayflies, which is an indicator of stream quality. They are saying that the absence of mayflies is enough to stop mining."

Kitts cited a 2008 EPA report by staff biologists that compared insect counts in streams taken in 1999 and 2000 to insect counts taken in 2007. The comparison showed that some insects, in particular mayflies, were pollution intolerant, were not found downstream from valley fills.

Kitts said the same report stated that the total abundance of all organisms below valley fills is not substantially reduced. He added that regulations do not call for specific numbers of insects to indicate what is call "significant adverse impact."

Kitts explained there are two sections of EPA rules that regulate coal mining. The first is the Surface Mining Control Reclam-ation Act of 1977, which, passed in 1972, which has two sections that pertain to coal mining — one that concerns water quality discharge permits and one that allows materials to be placed in a hollow, valley or stream.

The responsibility of enforcing that act has been delegated to the Army Corp of Engineers (ARE) permit, Kitts said. But the EPA does have the power to take the decision making out of the hands of the ACE.

"It is apparently EPA's effort to step in and basically take control," Kitts said.

Kirkendoll says he feels the permitting process has gotten out of hand. "A permit should take no more than six months," he said. "The people who deal with the topography of our area know every ditch, rock and stream. If there is a problem with a permit, bring people together to work on it."

Kitts noted some recent objections to mining permits.

"There are five comment letters from the EPA that have been about proposed West Virginia operations, one in Kentucky and an EPA comment on a permit that had already been issued in Virginia."

"In November, the EPA commented on proposed federal lease of underground reserves to two coal companies in Wayne County. On January 20, Inauguration Day, when virtually no one was in charge in Washington, they objected to a Consol's Buffalo Mountain project in Mingo County. In March, they objected to two West Virginia permits and one in Kentucky, in April two objections to West Virginia permits, and they asked the Corps to revoke a previously issued Virginia permit. Also in April they started the veto process for a Kentucky permit. In May, the Corps, under pressure from the EPA, suspended the Virginia permit."

Kitts further explained that some permits noted that not only coal mining, but any development would have an impact on water quality.

"They are saying development along a highway in Mingo County would be bad," Kitts said. "People in Logan should be glad this EPA was not in office when Corridor G was built or Fountain Place [a shopping mall development] would never have been built."

"I wish we didn't have to be here," Kirkendoll said. "Because the reason we are here is a scary thing. When I speak to businesses in Logan, I keep hearing about having to streamline, about layoffs. It shouldn't be that way. While the auto industry is asking for bailouts, we are looking for work permits."

"What EPA has said, in objection letters about mining permits, is that any significant adverse impact is a violation of standards," Kitts said. "My question, and the question the coal industry needs to ask, is who defines significant adverse impact? Is it a group of biologists in Wheeling, a group of beaurocrats in [EPA's regional office] Philadelphia or is it the policy makers in the state of West Virginia who report to citizens whether they have jobs and a viable economy?"

As far as a solution to the problem, Kitts said West Virginia's legislators need to come forward and defend coal mining.

"I think, at a state level, people need to step up and say 'We are the policy makers,'" Kitts said. "Its our economy, its our people. We will make a decision as to what is significant adverse impact. Having three genus of mayflies leave a stream is not adequate grounds for stopping this industry."

"Just let us work," Art Kirkendoll said. "Let us be proud to produce the coal that supplies 60 percent of the energy for out country. We can use coal to become non-dependent on foreign oil if we choose."

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